

'Team Effort' with Maritime Industry Helps USCG Tackle New Security Rules

Some 30 days after the new United Nations International Ship and Port Facility Security code (ISPS) and related U.S. Maritime Transportation Security Act (MTSA) went into force, the U.S. Coast Guard continues to take proactive measures to keep America's ports safe and secure.

The two new sets of regulations, designed to thwart seaborne terrorist attacks, became effective July 1. "Things have been running smoothly with very little disruption to trade and travel," said Adm. Thomas H. Collins, commandant of the Coast Guard.

"This has truly been a team effort, and everyone—from the maritime industry to local governments and private citizens to the international community—has played an important role in ensuring that U.S. ports and waterways run efficiently and effectively while we implement the new security regime."

Vice Adm. James D. Hull, commander, U.S. Coast Guard Atlantic Area in Portsmouth, Va., also acknowledged the key roles played by governmental and civilian agencies in the implementation of the new regulations. In a letter to the Norfolk, Va.-based *Virginian-Pilot*, Admiral Hull said

in part: "Despite many who questioned the industry's ability to comply with the stringent requirements on a short timeline, thousands of foreign vessels have since come and gone, 98 percent

of our facilities remained open for business and store shelves remained stocked. This remarkable accomplishment is attributed to the unheralded cooperation of government at all levels and civilian port authorities, whose livelihood depends on our ports remaining safe, secure and open for business.

"Today our nation faces the very real threat of a terrorist attack, and our goal is to deter and/or prevent that from happening in the maritime arena," he continued.

"With 361 ports accepting 95 percent of our country's imports, the task seems daunting. While we cannot guarantee that a terrorist attack will not happen, the MTSA and ISPS code, and our nation's overwhelming effort to comply with those laws and regulations, have certainly made our ports safer than ever before...."

"In this critical effort, the maritime community of the United States and their partners in foreign trade should be applauded for

quickly complying with the new security regulations."

According to the latest statistics (released July 21), three weeks after ISPS/MTSA enforcement began, 5,002 foreign vessels had arrived at U.S. ports. Of these, 3,494 had been inspected and approved before the July 1 deadline.

The U.S. Coast Guard had inspected 1,209 foreign vessels in port and another 40 at sea. Forty two foreign vessels had been denied

entry into U.S. ports and another 50 had been detained in port since July 1.

Thirty-two U.S.-flag ships were under restricted operation orders, and 18 shore facilities had been closed for non-compliance with the MTSA.

During the initial days of inspections, the Coast Guard said that non-compliance with ISPS was concentrated among vessels of smaller than 500 tons. The agency estimated that about 8.5 percent of vessel exams have resulted in enforcement actions, including denial of entry, expulsion and detention.

Panamanian-flagged vessels fared the worst with nearly 25 percent of the non-compliant vessels flying that country's flag. As the world's largest ship registry, Panamanian-flagged vessels typically make up 25-27 percent of the foreign vessels that call on the U.S., according to the Coast Guard. Other flags that the Coast Guard closely is tracking include Cyprus, Antigua and Barbuda, Bolivia, Honduras and Malta. In a related development, *Lloyds List* on July 20 reported that the Panamanian flag is bracing

itself for a series of defections following earlier criticism of the way ISPS Code certificates have been processed, which saw many ships fail to meet the July 1 deadline. Most notably, according to the report, Japanese owners, who account for 40 percent of the world's largest register, are considering moving away. A representative in Singapore for the Panamanian flag, Capt. Sam Say, admitted, "The

Japanese are thinking of reflagging. Some owners might reconsider the situation and

reflag to other flags." Captain Say works as a consultant for Panahon Marine, the Panamanian flag agency. The Panamanian registry's London office refused to comment, the report said, but Capt. Say continued, "From the feedback of owners we have got, they do express dissatisfaction with Panamanian authorities in implementing the ISPS Code. The Panamanian authorities were slow in issuing [International Ship Security Certificates] and they required owners to pick them personally."

Say said that in Singapore the problems were minimized and agents were employed to help deliver the certificates to the owners. However, he re-emphasized:

"Owners are very disappointed with the actions leading up to ISPS implementation."

Elsewhere, the U.S. Coast Guard on July 13 urged ship operators to ensure that they adhere strictly to its notification of arrival requirements, stressing that failure to do so could result in delays, or denial of entry to their destination. In a statement formally reiterating declarations made by officials during the opening week of compliance, the agency said operators must have valid International Ship Security Certificates and provide other information as part of their notice-of-arrival requirements to enter U.S. ports. Coast Guard Port Security Director Rear Admiral Larry Hereth said, "We have experienced problems with vessel operators

failing to obtain the required certificates and in some cases filing incomplete or inaccurate information. This has led to delays or entry denials.”

Coast Guard spokeswoman Jolie Shifflet added, “The message we would like to get out is for those who have ISSCs to please report it.” She added that the agency is strictly enforcing its notice-of-arrival requirements. “It is one of our primary tools for making determinations about ships coming in.”

The requirements charge ship operators with submitting accurate vessel, crew, passenger and cargo information to the Coast Guard at least 96 hours prior to arrival in a U.S. port. Failure to submit the notice will result in denial of entry while incomplete or inaccurate information could result in significant delay.

In a related development, the International Transport Workers’ Federation’s (ITF) port workers unions on July 14 pledged to assure port security, and warned that the ISPS code must be rigidly upheld—not undermined by using it as a backdoor way of introducing casual labor and self-handling. Meeting in Singapore, the ITF Dockers’ Section Conference moved to support the new legislation but flagged up areas of concern. These included: possible use of casual labor who do not meet security standards and the potential use of ISPS to exclude ITF inspectors and even dockers from ships. The conference also reiterated the ITF’s opinion that empty

containers are a security risk unless they are inspected.